S.B.Criminal Misc. Petition No. 1246/2005
(Vishnaram Vs. The State of Rajasthan)

Date of order : 12.07.2006

HON'BLE MR.H.R.PANWAR,J.

Mr. B.L.Bishnoi for the petitioner.
Mr. Ashok Upadhyay, P.P.

Heard learned counsel for the petitioner and public prosecutor for the State.

By the instant criminal misc. petition under Section 482 Cr.P.C., the petitioner has challenged the order dated 30.7.2005 passed by Additional Sessions Judge, No.1, Jodhpur (for short 'the revisional court' hereinafter) in Criminal Revision No.44/05 whereby the revisional court dismissed the revision filed by the petitioner against the order dated 10.6.2005 passed by Judicial Magistrate No.7, Jodhpur in CR No.78/05.

From the perusal of the orders passed by the trial court as well by the revisional court, it appears that at the stage of deciding the application, the matter was at the investigation stage. Learned counsel for the parties submit that now the police after investigation filed challan. In the circumstances

therefore, it would be expedient to direct the petitioner to move a fresh application before the trial court and while deciding the application, the order impugned will not come in the way.

The criminal misc. petition is accordingly disposed of.

(H.R.PANWAR), J.

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